

THIS BOILER PLATE DOES NOT HAVE WASTE MIN IN IT. WASTE MIN. IS IN THE SUBDIRECTOR UNDER **WASTE MIN.** ALSO, DISPUTE RESOLUTION LANGUAGE HAS BEEN ADDED. Signoff page has been changed!!!2/12/93

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
HAZARDOUS WASTE MANAGEMENT PERMIT

US EPA RECORDS CENTER REGION 5



1006587

Name of Permittee: _____

[Note: If the owner and operator are not the same, both should be identified.]

Facility Location: Street Address: _____
City, State: _____

EPA Identification Number: _____

Effective Date: _____ (Date, 45 days after signature)

Expiration Date: _____

Authorized Activities:

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, (42 U.S.C. §6901, et seq.), and regulations promulgated thereunder by the United States Environmental Protection Agency (U.S. EPA) (codified in Title 40 of the Code of Federal Regulations (40 CFR)), Federal permit conditions (hereinafter called the permit) of the RCRA permit are issued to (Name of Permittee) (Remove underlining on final permit) (hereinafter called the Permittee), for the facility _____ (Name of Facility) located in _____ (City, State) _____.

The RCRA permit contains both the effective Federal permit conditions (contained herein) and the effective State permit conditions issued by the State of (Name of State)'s RCRA program authorized under 40 CFR Part 271 (hereinafter called the State permit). The RCRA permit authorizes the Permittee to conduct hazardous waste management activities as specified in the RCRA permit.

Permit Approval:

On (Date of Authorization), the State of (Name of State) received final authorization pursuant to Section 3006 of RCRA, 42 U.S.C. §6926, and 40 CFR Part 271, to administer the pre-HSWA RCRA hazardous waste program. Because the State of (Name of State) has not yet received authorization to administer the entire hazardous waste program requirements of HSWA, certain permit conditions must be issued by the U.S. EPA to address these requirements. These conditions are contained in this permit.

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any attachments) and the applicable regulations contained in 40 CFR Parts 260, 261, 262, 264, 266, 268, 270, and 124, and applicable provisions of HSWA.

This permit is based on the assumption that the information submitted in the permit application, dated **(Date of Original Part B Submittal)**, and in any subsequent amendments (hereinafter referred to as the application), and in the certification regarding potential releases from solid waste management units, dated **(date of SWMU Certification)**, is accurate. Any inaccuracies found in this information may be grounds for the termination, revocation and reissuance, or modification of this permit (see 40 CFR 270.41, 270.42 and 270.43) and potential enforcement action. The Permittee must inform the U.S. EPA of any deviation from or changes in the information in the submitted application and certification as soon as the Permittee becomes aware of such deviation or changes.

Opportunity to Appeal:

Petitions for review must be submitted within 30 days after service of notice of the final permit decision. Any person who filed comments on the draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition the Environmental Appeals Board to review only to the extent of the changes from the draft to the final permit decision. The procedures for permit appeals are found in 40 CFR 124.19.

Effective Date:

This permit is effective as of **(Leave a blank line here and stamp the proper date on the line) (Date, 45 days after signature)**, unless a review is requested under 40 CFR 124.19, and shall remain in effect for **(5 or 10) years**, unless revoked and reissued, or terminated (40 CFR 270.41, 270.43), or continued in accordance with 40 CFR 270.51. **[If no comments were received requesting a change in the draft permit, the previous sentence should read as follows: This permit is effective immediately upon issuance, unless a review is requested under....]**

By: _____

Norman R. Niedergang
Acting Associate Division Director
Office of RCRA
Waste Management Division

Date: _____

(EPA ID Number)

Name of Permittee
Name of Facility
City, State

PERMIT INDEX

PERMIT CONDITIONS:

- I. Standard Conditions
- II. Land Disposal Requirements
- III. Corrective Action Requirements
- IV. Toxicity Characteristic
- V. Air Emission Standards
- VI. Schedule of Compliance

ATTACHMENT(S):

- I. RCRA Corrective Action Plan [Not applicable if no corrective action is required]
- II. Waste Analysis Plan [For Purposes of TC Requirements]

PERMIT CONDITIONS

PERMIT CONDITIONS

(Note: The regulatory citations in parentheses are incorporated by reference.)
[This note stays in the permit.]

I. STANDARD CONDITIONS

A. EFFECT OF PERMIT (40 CFR 270.4 and 270.30(g))

The Permittee is allowed to manage hazardous waste in accordance with the conditions of the RCRA permit. Any management of hazardous waste not authorized in the RCRA permit is prohibited.

Compliance with the RCRA permit during its term constitutes compliance, for the purposes of enforcement, with Subtitle C of RCRA, except for those requirements not included in the permit which become effective by statute, or which are promulgated under 40 CFR Part 268, restricting the placement of hazardous waste in or on the land. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; Sections 104, 106(a), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. §9601 et seq., commonly known as CERCLA); or any other law providing for protection of public health or the environment.

B. PERMIT ACTIONS (40 CFR 270.30(f))

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 270.41, 270.42, and 270.43. This permit may also be reviewed and modified by the U.S. EPA, consistent with 40 CFR 270., to include any terms and conditions determined necessary to protect human health and the environment pursuant to Section 3005(c)(3) of RCRA. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes, or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition. The Permittee shall not perform any construction associated with a Class 3 permit modification request until such modification request is granted and the modification becomes effective.

C. SEVERABILITY (40 CFR 124.16)

The provisions of this permit are severable, and if any provision of this permit, or if the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

D. DUTIES AND REQUIREMENTS

1. Duty to Comply. (40 CFR 270.30(a))

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit (See 40 CFR 270.61). Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of RCRA and HSWA and is grounds for enforcement action, permit termination, revocation and reissuance, modification, denial of a permit renewal application, or other appropriate action.

2. Duty to Reapply. (40 CFR 270.30(b) and 270.10(h))

The Permittee shall submit a complete application for a new permit at least 180 days before this permit expires unless: a) the Permittee no longer wishes to operate a hazardous waste management facility; b) the Permittee is no longer required to have a RCRA permit; or c) permission for a later date has been granted by the Regional Administrator. The Regional Administrator shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

3. Permit Expiration. (40 CFR 270.13, 270.14, 270.50, and 270.51)

This permit and all conditions herein shall be effective for a fixed term not to exceed 10 years, and will remain in effect beyond the permit's expiration date only if the Permittee has submitted a timely, complete application (per 40 CFR 270.10 and applicable sections of 270.14 through 270.29): a) to both the U.S. EPA and the State; and b) through no fault of the Permittee, the Regional Administrator and the State have not issued a new permit, as set forth in 40 CFR 270.51.

4. Need to Halt or Reduce Activity Not a Defense. (40 CFR 270.30(c))

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

5. Duty to Mitigate. (40 CFR 270.30(d))

In the event of releases or noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health and the environment.

6. Proper Operation and Maintenance. (40 CFR 270.30(e))

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality control/quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

7. Duty to Provide Information. (40 CFR 270.30(h) and 264.74)

The Permittee shall furnish to the Regional Administrator, within the time designated by the Regional Administrator, any relevant information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit.

8. Inspection and Entry. (40 CFR 270.30(i))

The Permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

- a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance, or as otherwise authorized by RCRA, any substances or parameters at any location.

9. Monitoring and Recordkeeping. (40 CFR 270.30(j), 270.31, 264.73, and 264.74)

The Permittee shall retain all reports, records, or other documents, required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the reports, records or other documents. Corrective Action records must be maintained at least 3 years after all Corrective Action activities have been completed. These periods may be extended by request of the Regional Administrator at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.

10. Reporting Planned Changes. (40 CFR 270.30(1)(1))

The Permittee shall give notice to the Regional Administrator of any planned physical alterations or additions to the permitted facility, as soon as possible, and at least 30 days before construction of such alteration or addition is commenced.

11. Anticipated Noncompliance. (40 CFR 270.30(1)(2))

The Permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Such notice does not constitute a waiver of the Permittee's duty to comply with permit requirements.

12. Transfer of Permits. (40 CFR 270.30(1)(3), 270.40(a), and 264.12(c))

This permit may be transferred by the Permittee to a new owner or operator only after providing notice to the Regional Administrator and only if the permit is modified, or revoked and reissued, pursuant to 40 CFR 270.40(b), 270.41(b)(2), or 270.42(a). Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264, 268, and 270 (including all applicable corrective action requirements), and shall provide a copy of the RCRA permit to the new owner or operator.

13. Compliance Schedules. (40 CFR 270.30(1)(5) and 270.33)

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted to the Regional Administrator no later than 14 days following each scheduled date.

14. Twenty-four Hour Reporting. (40 CFR 270.30(1)(6) and 270.33)

The Permittee shall report to the Regional Administrator any noncompliance with this permit which may endanger human health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances. This report shall include the following:

- a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies; and
- b. Information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the facility, which could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:
 - (1) Name, address, and telephone number of the owner or operator;
 - (2) Name, address, and telephone number of the facility;
 - (3) Date, time, and type of incident;
 - (4) Name and quantity of material(s) involved;
 - (5) The extent of injuries, if any;
 - (6) An assessment of actual or potential hazard to the environment and human health outside the facility, where this is applicable; and
 - (7) Estimated quantity and disposition of recovered material that resulted from the incident.

A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); steps taken to minimize impact on the environment; whether the noncompliance has been corrected, and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Permittee need not comply with the 5-day written notice requirement if the Regional Administrator waives the requirement. Upon waiver of the 5-day requirement, the Permittee shall submit a written report within 15 days of the time the Permittee becomes aware of the circumstances.

15. Other Noncompliance. (40 CFR 270.30(1)(10))

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above within 15 days of when the Permittee becomes aware of the noncompliance. The reports shall contain the information listed in Condition I.D.14.

16. Other Information. (40 CFR 270.30(1)(11))

Whenever the Permittee becomes aware that it failed to submit any relevant facts, or submitted incorrect information to the Regional Administrator in the permit application or in any reports, records, or other documentation provided to the Regional Administrator, the Permittee shall promptly submit such facts or information.

17. Submittal of Reports or Other Information. (40 CFR 270.30(1)(7), (8), and (9), and 270.31)

All reports or other information required to be submitted pursuant to this permit shall be sent to:

RCRA Permitting Branch, HRP-8J
Waste Management Division
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Attention: (Name of State) Section

18. All other requirements contained in RCRA, as amended, and in 40 CFR 270.30 not set forth herein are hereby fully incorporated in this permit.

E. SIGNATORY REQUIREMENT (40 CFR 270.30(k))

All reports or other information submitted to or requested by the Regional Administrator, his designee, or authorized representative, shall be signed and certified as required by 40 CFR 270.11.

F. CONFIDENTIAL INFORMATION

In accordance with 40 CFR 270.12 and 40 CFR Part 2, Subpart B, any information submitted to the U.S. EPA pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by marking the words "Confidential Business Information" on each page containing such information.

If no claim is made at time of submission, the U.S. EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2.

(G. THE BOILER PLATE WASTE MIN IS STORED UNDER A SEPARATE TITLE - WASTE.MIN - IN THE SUBDIRECTORY - BOILPLAT. THE WASTE MIN IS TO BE USED ONLY FOR STATES NOT AUTHORIZED FOR IT.)

G. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the facility, until closure is completed and certified by an independent registered professional engineer, all items required by 40 CFR 264.73, including the following documents and all amendments, revisions, and modifications to these documents:

1. Waste Analysis Plan, as required by 40 CFR 264.13 and this permit;
2. Operating Record, as required by 40 CFR 264.73 and this permit;
3. Notifications from generators accompanying each incoming shipment of wastes subject to 40 CFR Part 268, Subtitle C, that specify treatment standards, as required by 40 CFR 264.73, 268.7, and this permit;
4. Corrective Action reports and records as required by Conditions III.F. and VI. of this permit. These reports and records must be maintained for at least 3 years after all Corrective Action Activities have been completed. **[Note: This is applicable only if corrective action activities are required.]**
5. Records regarding closed-vent systems and control devices and/or equipment leaks as required 40 CFR 264.1035, 264.1064, and 264.73, and Condition V.C. of this permit.

II. LAND DISPOSAL REQUIREMENTS

A. GENERAL CONDITIONS

1. The Permittee shall comply with all the applicable self-implementing requirements of 40 CFR Part 268 and all applicable land disposal requirements which become effective by statute (Section 3004 of RCRA).
2. A mixture of any restricted waste with nonrestricted waste(s) is a restricted waste under 40 CFR Part 268.
3. The Permittee shall not in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with 40 CFR Part 268, Subpart D, to circumvent the effective date of a prohibition in 40 CFR Part 268, Subpart C, to otherwise avoid a prohibition in 40 CFR Part 268, Subpart

C, or to circumvent a land disposal prohibition imposed by Section 3004 of RCRA.

4. The Permittee shall prepare and maintain a current list of the hazardous waste codes handled by the facility that are identified in 40 CFR 268, Subparts B and C. The list shall include all waste codes handled by the facility, and any associated treatment standards, and shall be updated through the inclusion of new treatment standards, as promulgated or amended. This list shall be provided to the U.S. EPA representatives, or their designees, upon request.

B. TESTING AND RELATED REQUIREMENTS

1. The Permittee must test, in accordance with 40 CFR 268.7(a), any waste generated at the facility, or use knowledge of the waste, to determine if the waste is restricted from land disposal.
2. For restricted wastes with treatment standards expressed as concentrations in the waste extract, as specified in 40 CFR 268.41, the Permittee shall test the waste or waste residues, or an extract of such residues developed using the test methods described in Appendix II of 40 CFR Part 261 (Toxicity Characteristic Leaching Procedure, or TCLP) to assure that the waste or waste treatment residues or extract meet the applicable treatment standards of 40 CFR Part 268, Subpart D. Such testing shall be performed as required by 40 CFR 264.13.
3. A restricted waste for which a treatment technology is specified under 40 CFR 268.42(a) may be land disposed after it is treated using that specified technology or an equivalent treatment method approved by the Administrator under the procedures set forth in 40 CFR 268.42(b).
4. For restricted wastes with treatment standards expressed as concentrations in the waste, as specified in 40 CFR 268.43, the Permittee shall test the waste or treatment residues (not an extract of such residues) to assure that the waste or treatment residues meet the applicable treatment standards of 40 CFR Part 268, Subpart D. Such testing shall be performed as required by 40 CFR 264.13.
5. The Permittee shall comply with all the applicable notification, certification, and recordkeeping requirements described in 40 CFR 268.7(a) and (b).

C. STORAGE PROHIBITIONS

1. The Permittee shall comply with all the applicable prohibitions on storage of restricted wastes specified in 40 CFR Part 268, Subpart E.
2. Except as otherwise provided in 40 CFR 268.50, the Permittee may store restricted wastes in tanks and containers solely for the purpose of the

accumulation of such quantities of hazardous wastes as necessary to facilitate proper recovery, treatment, or disposal provided that:

- a. Each container is clearly marked to identify its contents and the date each period of accumulation begins; and
 - b. Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility.
3. The Permittee may store restricted wastes for up to 1 year unless the U.S. EPA or its authorized agent can demonstrate that such storage was not solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.
 4. The Permittee may store restricted wastes beyond 1 year; however, the Permittee bears the burden of proving that such storage was solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.
 5. The Permittee shall not store any liquid hazardous waste containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 ppm unless the waste is stored in a storage facility that meets the requirements of 40 CFR 761.65(b). This waste must be removed from storage and treated or disposed as required by 40 CFR Part 268 within 1 year of the date when such wastes are first put into storage. Condition II.C.4. above, that allows storage for over 1 year with specified demonstration, does not apply to PCB wastes prohibited under 40 CFR 268.32.

III. CORRECTIVE ACTION REQUIREMENTS

A. CORRECTIVE ACTION AT THE FACILITY

In accordance with Section 3004(u) of RCRA and the regulations promulgated pursuant thereto, the Permittee must institute Corrective Action as necessary to protect human health and the environment for all releases of hazardous waste(s) or hazardous constituent(s) from any solid waste management units (SWMUs) at the facility, regardless of the time at which waste was placed in such units.

B. CORRECTIVE ACTION BEYOND THE FACILITY BOUNDARY

In accordance with Section 3004(v) of RCRA and the regulations promulgated pursuant thereto, the Permittee must implement Corrective Action(s) beyond the facility property boundary, where necessary to protect human health and the environment, unless the Permittee demonstrates to the satisfaction of the Regional Administrator that, despite the Permittee's best efforts, the

Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be addressed under the RCRA Facility Investigation, Corrective Measures Study, and Corrective Measures Implementation phases, as determined to be necessary on a case-by-case basis.

C. IDENTIFICATION OF SWMUs

[This section should summarize the results of the RFA, clearly identifying which SWMUs, releases of hazardous waste including hazardous constituents, and media of concern are to be addressed in the RFI or through interim measures at the time of permit issuance. It may also be useful to note the SWMUs which have been identified but which are not subject to corrective action at this time. If Corrective Action goes beyond the RFA conclusions, state why (and document the reasons in the administrative record).]

If appropriate, this section can refer to an attachment, which could include a SWMU location map that identifies all SWMUs, and/or a list of all SWMUs.

Note: If no corrective action is required in the permit, the following condition should be substituted:]

C. NO CORRECTIVE ACTION REQUIRED AT THIS TIME

Based on the available information for the facility, no known or suspected releases of hazardous waste(s) or hazardous constituent(s) have been found for identified SWMUs. No corrective action investigation or implementation is required at this time.

D. NEWLY IDENTIFIED SWMUs OR RELEASES

1. General Information

The Permittee shall notify the Regional Administrator, within 30 days of discovery, of the following information requirements for any new SWMU identified at the facility, in accordance with 40 CFR 270.14(d):

- a. The location of the unit on the site topographic map;
- b. Designation of the type of unit;
- c. General dimensions and structural description (supply any available drawings);
- d. When the unit was operated; and
- e. Specifications of all waste(s) that have been managed at the unit.

2. Release Information

The Permittee must submit to the Regional Administrator, within 30 days of discovery, all available information pertaining to any release of hazardous waste(s) or hazardous constituent(s) from any new or existing SWMU.

E. CORRECTIVE ACTION FOR NEWLY IDENTIFIED SWMUs AND RELEASES

The Regional Administrator will review the information provided in Condition III.D. above, and may as necessary require further investigations or corrective measures. The Permittee shall submit a written RCRA Facility Investigation Workplan to the Regional Administrator within () days after written notification by the Regional Administrator that further investigation is necessary.

[Note: If no corrective action is required in the permit, use the first sentence only of Condition E, omit Condition F, and omit the CAP from the attachment list.]

F. CORRECTIVE ACTION ACTIVITIES

1. RCRA Facility Investigation (RFI)

The Permittee shall conduct an RFI to evaluate thoroughly the nature and extent of the release of hazardous waste(s) and hazardous constituent(s) from all applicable SWMUs identified in Condition III.C. above. The major tasks and required submittal dates are shown below. Additional tasks and associated submittal dates may also be specified in the Schedule of Compliance (Permit Condition VI.). The scope of work for each of the tasks is found in Attachment I (RCRA Corrective Action Plan).

a. RFI Workplan

The Permittee shall submit a written RFI Workplan to the Regional Administrator within () days after the effective date of this permit.

The Regional Administrator will approve, modify and approve, or disapprove, and provide comments on the Workplan in writing to the Permittee. Within () days of receipt of such comments, the Permittee must modify the Workplan, so as to reflect the changes required in the Regional Administrator's comments, or submit a new workplan for the Regional Administrator's approval. The RFI Workplan, as approved or as modified and approved, becomes an enforceable condition of this permit.

b. RFI Implementation

Within () days of the Regional Administrator's written approval of the RFI Workplan, the Permittee shall implement the RFI Workplan according to the terms and schedule in the approved RFI Workplan.

c. RFI Final Report

Within () days after the completion of the RFI, the Permittee shall submit an RFI Final Report to the Regional Administrator. The RFI Final Report shall describe the procedures, methods, and results of the RFI. The Final Report must contain adequate information to support further corrective action decisions at the facility.

After the Permittee submits the RFI Final Report, the Regional Administrator shall either approve or disapprove the Report in writing. If the Regional Administrator disapproves the Report, the Regional Administrator shall notify the Permittee in writing of the deficiencies and specify a due date for submittal of a revised Report. The RFI Final Report, as approved, becomes an enforceable condition of this permit.

2. Interim Measures [Optional]

The following specific interim measures have been identified by the Regional Administrator:

[Specific requirements should be inserted here.]

The Permittee shall begin implementation of such action within () days of the effective date of this permit.

3. Determination of No Further Action

a. Permit Modification

After completion of and based on the results of the RFI and other relevant information, the Permittee may submit an application to the Regional Administrator for a Class 3 permit modification under 40 CFR 270.42(c) to terminate the Corrective Action tasks of the Schedule of Compliance. Other tasks identified in the Schedule of Compliance shall remain in effect. This permit modification must conclusively demonstrate that there are no releases of hazardous waste(s), including hazardous constituents, from SWMUs at the facility that pose a threat to human health and the environment.

If, based upon review of the Permittee's request for a permit modification, the results of the completed RFI, and other

information, including comments received during the 60-day public comment period required for Class 3 permit modifications, the Regional Administrator determines that releases or suspected releases which were investigated either are nonexistent or do not pose a threat to human health and the environment, the Regional Administrator will grant the requested modification.

b. Periodic Monitoring

A determination of no further action shall not preclude the Regional Administrator from requiring continued or periodic monitoring of air, soil, ground water, or surface water, if necessary to protect human health and the environment, when site-specific circumstances indicate that potential or actual releases of hazardous waste(s) including hazardous constituents are likely to occur.

c. Further Investigations

A determination of no further action shall not preclude the Regional Administrator from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates that a release or likelihood of a release from a SWMU at the facility is likely to pose a threat to human health or the environment. In such a case, the Regional Administrator shall initiate a modification to the Corrective Action Schedule of Compliance to rescind the determination made in accordance with Permit Condition III.F.3.a. Additionally, the Regional Administrator may determine that there is insufficient information on which to base a determination, and may require the Permittee to perform additional investigations as needed to generate the needed information.

4. Corrective Measures Study (CMS)

If the Regional Administrator determines, based on the results of the RFI and other relevant information, that corrective measures are necessary, the Regional Administrator will notify the Permittee in writing that the Permittee shall conduct a CMS. The purpose of the CMS will be to develop and evaluate the corrective action alternative(s) and to outline one or more alternative corrective measure(s) which will satisfy the performance objectives specified by the Regional Administrator. The major tasks and required submittal dates are shown below. Additional tasks and associated submittal dates may also be specified in the Schedule of Compliance (Permit Condition VI.). The Scope of Work for each of the tasks is found in Attachment I.

a. CMS Workplan

The Permittee shall submit a written CMS Workplan to the Regional Administrator within () days from the notification of the requirement to conduct a CMS.

The Regional Administrator will approve, modify and approve, or disapprove and provide comments on the CMS Workplan in writing to the Permittee. Within () days of receipt of such comments, the Permittee must modify the Workplan, so as to reflect the changes required in the Regional Administrator's comments, or submit a new plan for the Regional Administrator's approval. The CMS Workplan, as approved or as modified and approved, becomes an enforceable condition of this permit.

b. CMS Workplan Implementation

Within () days of the Regional Administrator's written approval of the CMS Workplan, the Permittee shall implement the CMS Workplan according to the terms and schedule in the approved CMS Workplan.

c. CMS Final Report

Within () days after the completion of the CMS, the Permittee shall submit a CMS Final Report to the Regional Administrator. The CMS Final Report shall summarize the results of the investigations for each remedy studied and must include an evaluation of each remedial alternative.

After the Permittee submits the CMS Final Report, the Regional Administrator shall either approve or disapprove the Report in writing. If the Regional Administrator disapproves the Report, the Regional Administrator shall notify the Permittee in writing of the deficiencies and specify a due date for submittal of a revised Report. The CMS Final Report, as approved, becomes an enforceable condition of this permit.

5. Corrective Measures Implementation (CMI)

Based on the results of the CMS, the Regional Administrator shall select one or more of the Corrective Measures in the CMS, and shall notify the Permittee in writing of the decision. The Regional Administrator's selection will be based on the corrective measures' long-term reliability and effectiveness, short-term effectiveness, implementability, cost, reduction of toxicity, mobility, or volume.

a. Permit Modification

The Regional Administrator will initiate a major permit modification, as provided by 40 CFR 270.41, to require implementation of the corrective measure(s) selected.

b. Financial Assurance

As part of the permit modification of this permit to incorporate CMI, the Permittee shall provide financial assurance in the amount specified by the Regional Administrator for necessary corrective action activities as required by 40 CFR 264.101(b) and (c).

G. DISPUTE RESOLUTION

1. If the Permittee disagrees, in whole or in part, with the U.S. EPA'S disapproval or modification of any submission required by Condition III.F. of the permit, the Permittee shall notify the U.S. EPA of its objections by providing the Region 5 Associate Division Director, Waste Management Division, Office of RCRA, with a written statement of position within 14 days of receipt of the U.S. EPA's disapproval or modification. The Permittee's statement of position shall set forth the specific matters in dispute, the position that the Permittee asserts should be adopted as consistent with the requirements of this permit, the basis for the Permittee's position, and shall include any supporting documentation.
2. The U.S. EPA and the Permittee shall have an additional 14 days from the U.S. EPA's receipt of the Permittee's statement of position to meet or confer to attempt to resolve the dispute. If agreement is reached, the Permittee shall submit a revised submission, if necessary, and shall implement the submission in accordance with such agreement.
3. If the U.S. EPA and the Permittee are not able to reach agreement within the 14-day period, the Regional Administrator, Region 5, or his or her delegate will thereafter issue a written decision resolving the dispute which shall become an enforceable condition of this permit,, and the Permittee shall comply with the terms and conditions of the U.S. EPA's decision resolving the dispute.
4. Notwithstanding the invocation of this dispute resolution procedure, the Permittee shall proceed to take any action required by those portions of the modified and approved submission that the U.S. EPA determines are not substantially affected by the dispute according to the schedule contained in the submission.

IV. TOXICITY CHARACTERISTIC

A. WASTE IDENTIFICATION

[This section should identify the type and amount of waste that may be handled and the units in which the wastes may be treated, stored, or disposed. For example:]

The Permittee may store [specify store, and/or treat and/or dispose of] the following wastes in containers [specify type(s) of unit(s)] at the facility subject to the terms of the RCRA permit. total of 5.

Description of Hazardous Waste	EPA Hazardous Waste Number	Maximum Volume	Description of Unit(s)
<u>Table 1 - toxic waste</u>			<u>containers</u>

B. WASTE CHARACTERIZATION

The Permittee must use the Toxicity Characteristic Leaching Procedure (TCLP) (Appendix II of 40 CFR Part 261), or use knowledge of the waste to determine whether a waste exhibits the characteristic of toxicity, as defined in 40 CFR 261.24. Use of the TCLP does not exempt the Permittee from also using the Extraction Procedure (EP) toxicity test if required by the State permit conditions.

C. CONDITIONS REGARDING UNITS

[This section applies to facilities managing TC waste in existing units. If the facility is handling TC waste in both existing and new units, include the following Condition C.1. and Condition C.2. below.]

1. The Permittee shall manage toxicity characteristic wastes (based on the TCLP) in the following units in accordance with the State permit conditions pertaining to those units:

Description Unit(s)	EPA Hazardous Waste Number
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[If all TC wastes at the facility are managed in existing units, the following condition may be used as an alternative; no Condition C.2. is necessary:]

1. All units described in Condition IV.A. above shall be operated in accordance with the State permit conditions pertaining to those units.

[Condition C.2. applies to facilities managing TC waste in newly regulated units not included in the State portion of the permit. In this case, the Federal portion of the permit must identify the units and include all applicable permitting standards from the Model RCRA Permit for Hazardous Waste Management Facilities (Modules III-XI and Module XIII) for containers,

tanks, or other pertinent units. These conditions should appear in Section VII (and subsequent sections, if necessary) of the permit.]

2. The Permittee shall manage toxicity characteristic wastes (based on the TCLP) in units not included in the State portion of this permit in accordance with Section(s) ____ of this permit.

[Condition C.3. should appear if the plans included in the State permit do not cover TC waste. Regardless of whether TC waste is managed in newly regulated units or units covered by the State permit, Permit Writers must make sure that conditions and/or plans in the State permit (Waste Analysis, Closure, Post-Closure, Financial Assurance, Inspection, Training, Contingency, etc.) reflect the inclusion of TC wastes. If TC wastes are not included, the Federal portion must include the omitted information. (See Model Permit Module II for appropriate language.) This information should appear in attachments.]

2. ~~X~~ The Permittee shall follow the WAP [select waste analysis, closure, etc., as appropriate] procedures required in 40 CFR Part 264, and as described in the WAP [select Waste Analysis, Closure, etc., as appropriate] plan(s) found in Attachment(s) 1.

[The following condition is required if the Permittee is managing TC waste in a land disposal unit. This paragraph should be included in the section containing specific conditions for land disposal units. The Schedule of Compliance should include the September 25, 1991 certification date. Also note that this condition applies to permits issued before September 25, 1991.]

As required by 40 CFR 270.42(g)(1)(v), if the Permittee is managing newly regulated waste in previously unregulated land disposal unit(s), the Permittee must certify to the Regional Administrator by September 25, 1991, that such unit(s) are in compliance with all applicable 40 CFR Part 265, Subparts F and H groundwater monitoring and financial responsibility requirements.

V Newly Listed Wastes (Ks)

V1 AIR EMISSION STANDARDS

A. PROCESS VENTS

The Permittee shall comply with all applicable requirements of 40 CFR Part 264, Subpart AA, regarding air emission standards for process vents.

B. EQUIPMENT LEAKS

The Permittee shall comply with all applicable requirements of 40 CFR Part 264, Subpart BB, regarding air emission standards for equipment leaks.

C. RECORDKEEPING

The Permittee shall comply with all applicable recordkeeping and reporting requirements described in 40 CFR 264.1035, 264.1036, 264.1064, and 264.1065.

D. NOTIFICATION OF REGULATED ACTIVITY

The Permittee shall notify the Regional Administrator of any waste management units which become subject to the requirements of 40 CFR Part 264, Subparts AA and BB, within 30 days of startup of the regulated activity.

[In addition to revising the air emissions section, the Schedule of Compliance should include the following milestone:]

Air Emission Regulations

Due Date

Notification of waste management units subject to the requirements of 40 CFR Part 264, Subparts AA and BB.

30 days after startup of the activity.

E. DUTY TO COMPLY WITH FUTURE REQUIREMENTS

The Permittee shall comply with all self-implementing provisions of any future air regulations promulgated under the provisions of Section 3004(n) of RCRA, as amended by HSWA.

VI. SCHEDULE OF COMPLIANCE

[This Section should include corrective action, toxicity characteristic, air emission, and any other applicable schedules.]

Diskette #23:A:boilplat.per:3/18/91

**Draft Renewal Permit
Ohio Administrative Code Rule 3745-50-40**

Facility Name: Portsmouth Gaseous Diffusion Plant

U.S. EPA I.D. : OH7890008983

Ohio Permit #: 04-57-0680

Location: 3930 U.S. Route 23 South
Piketon, Ohio 45661-0700

Facility Owner: United States DOE
P.O. Box 700
Piketon, Ohio 45661-0700

Facility Operator: United States DOE

Facility Co-Operator: Bechtel Jacobs
Company, LLC

**Activity Described in
Permit Application:** Storage

Comment Period: Begins: 11/22/2000
Ends: 1/5/2001

including the applicant, may submit written comments relating to this draft action.

The comment period begins on November 22, 2000, and ends on January 5, 2001. A copy of the permit application and the draft permit is available for review by the public at the following locations:

U.S. DOE Environmental Information Center
505 West Emmitt Avenue
Waverly, Ohio 45690
(740) 947-5093

Ohio EPA, Southeast District Office
2195 Front Street
Logan, Ohio 43138
(740) 385-8501

Ohio EPA, Central Office
Division of Hazardous Waste Management
Lazarus Government Center
122 South Front Street
Columbus, Ohio 43214
(614) 644-2917

**Public Participation Procedures and
Comment Period****OAC 3745-50-22 (B)(4b)****OAC 3745-50-22 (B)(4a)**

A public hearing will be held on Thursday, December 21, 2000, at 7:00 p.m. at The Comfort Inn Hotel, 7525 U.S. Route 23, Piketon, Ohio 45661 to receive public comments. Oral comments will be received during the public hearing. Written comments may be submitted before the end of the comment period to the Ohio EPA, Division of Hazardous Waste Management, Waste Management Section, Attn: Thomas E. Crepeau, P.O. Box 1049, Columbus, Ohio 43216-1049, (614) 644-2977, or via e-mail at dhwmcomments@epa.state.oh.us. All persons,

Within sixty (60) days of the close of the public comment period, the Ohio EPA will, without prior hearing, issue a renewal permit in accordance with Chapter 3734 of the Revised Code. If the Ohio EPA approves the application, a renewal permit will be issued with terms and conditions as are necessary to ensure compliance with hazardous waste rules.

Description of Facility
OAC 3745-50-22 (B)(1)

The Portsmouth Gaseous Diffusion Plant (GDP) generates large volumes of waste from current site environmental cleanup operations. Much smaller amounts of wastes are also generated by the

United States Enrichment Corporation in the general operations of the plant.

Description of Requested Permit Renewal
OAC 3745-50-22 B(2)

USDOE is requesting a permit for container storage. Wastes will be stored in the X-326 and the X-7725 buildings with a capacity of 133,000 and 5,456,000 gallons respectively.

The wastes stored include mixed RCRA and radioactive wastes, mixed RCRA and PCB wastes, and mixed RCRA and asbestos wastes. The RCRA wastes include 43 wastes which are characteristic hazardous for ignitability, corrosivity, reactivity, and toxicity; 8 F-listed wastes which include spent solvents, wastewater sludges and spent solutions from electroplating operations, and unused formulations of chlorophenols; 161 U-listed wastes; and 67 P-listed wastes which are acutely toxic.

Wastes are stored in 1, 2, 13, 20, 30, 55, 85, and 110-gallon drums, 4'X4'X6' and 6'X6'X8' metal boxes, 10 liter polyethylene bottles, and other containers.

Regulatory Basis to Support the Decision to Renew the Permit Application
OAC 3745-50-22 (B)(3)

Renewal (on-site)

The Director has determined that the Portsmouth Gaseous Diffusion Plant has submitted an application for renewal one hundred eighty (180) days prior to the expiration date of its present permit which was issued by the Ohio Hazardous Waste Facility Board on July 21, 1995. The Director has considered the application, inspection reports, a report regarding the facility's compliance with the present permit, and the rules adopted under Chapter 3734.05 of the Ohio Revised Code. The Director has found that the Part B permit application meets the Director's performance standards and that the facility has a

history of compliance with this chapter, rules adopted under it, the existing permit, orders entered into, that demonstrates reliability, expertise, and competency to subsequently operate the facility under this chapter, the rules, and the permit.

Contact Person
OAC 3745-50-22 B(5)

For additional information, please contact Melody Stewart, Ohio EPA, Southeast District Office at (740) 380-5256.